

**ENTERED**

May 13, 2019

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION**

JUSTIN TYLER DAVIS,

Plaintiff,

VS.

KRISTEN ZAMBRANO, *et al*,

Defendants.

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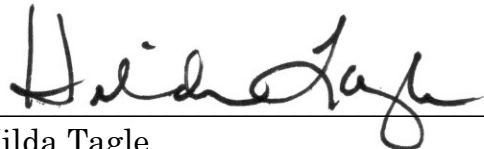
CIVIL NO. 2:18-CV-110

**ORDER**

The Court is in receipt of the Magistrate Judge's Memorandum and Recommendation ("M&R") to dismiss certain claims and to retain case, Dkt. No. 10, and Plaintiff's Reply to the M&R, Dkt. No. 12.

After independently reviewing the record and applicable law, the Court **ADOPTS** the M&R, Dkt. No. 10. Accordingly, the Court **RETAINS** Justin Tyler Davis' ("Davis") deliberate indifference claims against Defendant Kristen Zambrano ("Zambrano"); **DISMISSES WITH PREJUDICE** Davis' claims for money damages against Defendants Kenneth Putnam ("Putnam"), Corey Furr ("Furr"), Patricia Chapa ("Chapa") and Bryan Collier ("Collier") in their official capacities because such claims are barred by the Eleventh Amendment; **DISMISSES as MOOT** Davis' claims for injunctive and declaratory relief based on the conditions of confinement at the McConnell Unit against Defendants Zambrano, Putnam, Furr, and Chapa because Davis has been transferred to another facility; and **DISMISSES** all of Davis' remaining claims against all Defendants as frivolous and/or for failure to state a claims pursuant to 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b)(1).

SIGNED this 13th day of May 2019.



Hilda Tagle  
Senior United States District Judge